

EXECUTIVE OFFICER SUMMARY REPORT
February 11, 2004

ITEM: 8

SUBJECT: Encina Wastewater Authority, Carlsbad: Administrative Assessment of Civil Liability containing a \$6,000 Mandatory Minimum Penalty against the Encina Wastewater Authority for violation of effluent limitations established by *Order No. R9-2000-0036, NPDES No. CA0107395, Waste Discharge Requirements for Encina Wastewater Authority, Discharge to the Pacific Ocean through the Encina Ocean Outfall*. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0003) (*Vicente Rodriguez*)

PURPOSE: The Regional Board will decide whether to adopt tentative Order No. R9-2004-0003 that accepts the settlement of civil liability in the amount of \$6,000.

PUBLIC NOTICE: A public notice was published in the North County Times and the San Diego Union-Tribune on December 18, 2003, and posted on the Regional Board web page on December 15, 2003. The 30-day public comment period ended on January 20, 2004.

DISCUSSION: On December 11, 2003 the Executive Officer issued Complaint No. R9-2003-0390 for Administrative Civil Liability with Mandatory Minimum Penalties in the amount of \$6,000 against the Encina Wastewater Authority for two violations of effluent limitations contained in Order No. 2000-36 for the discharge of treated sewage from the Encina Water Pollution Control Facility through the Encina Ocean Outfall to the Pacific Ocean. The violations were for total suspended solids samples in January 2002 and June 2003, which exceeded the effluent limitations by 44% and 86% respectively. In accordance with California Water Code section 13385(h), the violations meet the criteria to be defined as serious violations, which are subject to Mandatory Minimum Penalties of \$3,000 per violation.

On December 16, 2003, the Encina Wastewater Authority waived its right to a public hearing and paid the assessment of civil liability proposed in the Complaint.

If the Regional Board does not adopt the tentative Order, a hearing will be rescheduled for a future Regional Board meeting.

No comments concerning this matter were received during the 30-day comment period.

LEGAL CONCERNS:

None.

SUPPORTING
DOCUMENTS:

1. Location Map.
2. Tentative ACL Order No. R9-2004-0003
3. Waiver of Hearing Form signed December 16, 2003
4. ACL Complaint No. R9-2003-0390

RECOMMENDATION:

Adopt Tentative ACL Order No. R9-2004-0003.